IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 830 of 2005
In
Chamber Summons No. 1632 of 2003
In
Execution Application No. 213 of 2001
In
Summary Suit No. 4118 of 1998

Suresh Raju Shetty .. Appellant
V/s.
Padamanabh B. Shetty & Anr. .. Respondents

Mr. Pratap Sampat i/b. Mr. Vinod Singh for the Appellant
Mr. G.S. Godbole for the Respondent No. 1
Mr. T.N. Tripathi for the Respondent No. 2

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 07.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondents.

2. By this Appeal, the Appellant is challenging the order dated 10.1.2005 passed by the learned Single Judge in Chamber Summons No. 1632 of 2003, taken out by the Original Defendant, being the Appellant herein, to set aside the proclamation of sale issued by the Sheriff of Mumbai.

3. The learned Judge, in his order dated 10.1.2005 has categorically mentioned in paragraph 3 as well as in paragraph 6 that the Receiver of the Central Bank of India had not taken actual physical possession of the Suit property. Under these circumstances, the Suit property is not vested with the Central Bank of India,

hence we do not find any error in the order of the

learned Single Judge, declining to set aside the aforesaid proclamation of sale issued by the Sheriff of Mumbai. Appeal stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)